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ABSTRACT

The following major provisions of the National Literacy Act of 1991 are described: increase authorization for literacy programs; establish a National Institute for Literacy; authorize state literacy resource centers; create national work force demonstrations; amend basic state grants; revise the Even Start Family Literacy Programs; and authorize other new programs. This report contains the following analyses of the act: (1) current status; (2) authorization of appropriations; (3) literacy planning, research, and coordination; (4) work force literacy; (5) education programs for commercial drivers; (6) books for families; (7) literacy for incarcerated individuals; (8) literacy challenge grants; and (9) territories and freely associated states. A comment section follows the summary of each major provision. Appendix A describes the legislative history of the act; Appendix B provides nine selected references regarding the act. (KC)

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National Literacy Act of 1991: Major Provisions of P.L. 102-73

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November 8, 1991

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NATIONAL LITERACY ACT OF 1991: MAJOR PROVISIONS OF P.L. 102-73

SUMMARY

The National Literacy Act of 1991, P.L. 102-73, was signed into law on July 25, 1991. This Act includes comprehensive provisions to assist States and localities to provide literacy skills to adults. Amendments are made to the Adult Education Act (AEA), the primary source of Federal funds for programs for educationally disadvantaged adults. A number of related programs are authorized as well. One of the national education goals is to help make every adult literate by the year 2000; without a specific reference, these provisions appear to be consistent with that goal. Major provisions are highlighted below.

Increases authorization for literacy programs. P.L. 102-73 authorizes $482.5 million for literacy programs for FY 1992--more than $200 million higher than the FY 1991 appropriation of $276.5 million for similar programs. For most programs, such sums as may be necessary are authorized for fiscal years 1993 through 1995. As shown in table I (page 5), five programs are amended and extended; five additional programs are authorized for the first time.

Establishes a National Institute for Literacy. An interagency Institute is created to improve and expand the system for the delivery of literacy services, including the conduct of basic and applied research; assist Federal agencies improve literacy services; help to improve Federal, State, and local literacy policies; and provide technical and training assistance for literacy services.

Authorizes State literacy resource centers. Formula grants are made to States for centers that will stimulate the coordination of literacy resources. Activities include new teaching methods, partnerships, innovation in the delivery of services, and technical assistance.

Creates national workforce demonstrations. Discretionary grants are made for large-scale projects to design and implement national workforce literacy strategies, with the objective of assisting unions and businesses provide literacy and basic skills to workers.

Amends AEA basic State grants. Among other changes, the AEA basic State grant program is amended to ensure the distribution of funds more equitably to local recipients, including public housing authorities; strengthen State evaluation requirements; increase attention to literacy problems within adult education programs; and strengthen teacher training requirements.

Revises the Even Start Family Literacy Programs. The Even Start Program is renamed and modified but generally maintains the principal objective of reducing or eliminating the transmission of illiteracy from parent to child.

Authorizes other new programs. These include a National Workforce Literacy Assistance Collaborative at the U.S. Department of Labor, a family literacy public broadcasting program, literacy programs for incarcerated individuals, and literacy challenge grants at the ACTION Agency.

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NATIONAL LITERACY ACT OF 1991: MAJOR PROVISIONS OF P.L. 102-73

This report summarizes and analyzes the National Literacy Act of 1991, P.L. 102-73, which was signed into law by the President on July 25, 1991.[1] The legislation is a comprehensive set of provisions to assist State and local programs to provide literacy skills to adults. The legislation amends and extends the Adult Education Act (AEA), P.L. 89-750, as amended. The AEA is the primary source of Federal funds for programs that benefit educationally disadvantaged adults; the AEA is administered by the U.S. Department of Education (ED). Other P.L. 102-73 provisions establish an interagency National Institute for Literacy, initiate a workforce literacy program at the U.S. Department of Labor (DOL), amend the Even Start Family Literacy Programs (formerly the Even Start Program), authorize programs for family literacy public broadcasting and education services for commercial drivers, establish literacy programs for incarcerated individuals, create literacy challenge grants at the ACTION Agency, and establish eligibility for Federal education programs for the Federated States of Micronesia and the Republic of the Marshall Islands.

The report summarizes the current status and the authorization of appropriations. Next, the report analyzes the eight individual titles of the Act:

- I--literacy: planning, research, and coordination;
- II--workforce literacy;
- III--investment in literacy;
- IV--education programs for commercial drivers;
- V--books for families;
- VI--literacy for incarcerated individuals;
- VII--literacy challenge grants; and
- VIII--territories and freely associated States.

A comment section provides an analysis following the summary of each major provision. Appendix A describes the legislative history of P.L. 102-73. Appendix B provides selected references related to the 1991 amendments.

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[1]For background to this Act, see U.S. Library of Congress. Congressional Research Service. *Adult Literacy Issues, Programs, and Options*. Issue Brief No. IB85167, by Paul M. Irwin. (Archived July 26, 1991.) Washington, 1985.

In 1990, the President and the Governors established six national education goals to be met by the year 2000.[2] The fifth of these goals states:

> By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The comprehensive provisions of P.L. 102-73 authorize Federal programs and leadership activities consistent with the literacy goal.[3]

Section 3 of P.L. 102-73 defines the term **literacy** for the purposes of the National Literacy Act of 1991:

> . . . "literacy" means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential.

Because of its location within P.L. 102-73, the definition for literacy does not directly apply to either the AEA or to other programs amended by this Act. The term is not currently defined in the AEA; proposed regulations would extend the P.L. 102-73 definition to all AEA programs.

CURRENT STATUS

With virtually no exceptions, the effective date of P.L. 102-73 is the same as the date of enactment, July 25, 1991, with no transition provisions. In practice, however, the date varies. For existing grant programs, such as AEA basic State grants, the effective date generally will be July 1, 1992, because the FY 1991 grant allocations already were made on July 1, 1991, prior to enactment. New programs generally will take effect when funding is provided; FY 1992 appropriations have been proposed for two of the new programs--State literacy resource centers, and the literacy program for incarcerated individuals (see discussion in next section and discussion of individual programs).

Proposed regulations for amendments to AEA programs were issued by ED on October 28, 1991; public comments are invited through December 27, 1991.[4] For ED programs under the Elementary and Secondary Education Act of 1965 (ESEA), proposed regulations are anticipated before the end of 1991. The

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[2]For background to these goals, see U.S. Library of Congress. Congressional Research Service. *National Education Goals: Federal Policy Issues*. Issue Brief No. IB91077, by Wayne Riddle, et al. (Updated regularly.) Washington, 1991.

[3]The national education goals are **not** specifically referred to in P.L. 102-73, the committee report (H. Rept. 102-23), or statements during final passage on the House floor; however, several references **were** made on the Senate floor.

[4]*Federal Register*, v. 56, no. 208, Oct. 28, 1991. p. 55542-55565.

National Institute for Literacy is considered by ED as a government entity rather than a program; as such, regulations will not be issued concerning its administration and operation.[5]

AUTHORIZATION OF APPROPRIATIONS

As shown in table I, P.L. 102-73 authorizes to be appropriated $482.5 million for 10 programs for FY 1992. Five programs were funded in FY 1991; table I shows appropriations of $276.5 million for these programs for that year. The remaining five programs are newly authorized for FY 1992. The final FY 1992 appropriation had not been determined at time of publication of this report.[6] However, the conference report on H.R. 2707, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1992, would provide $337.5 million for 6 of the 10 programs, plus an unspecified amount for the National Institute for Literacy. In addition, the DOL is reported to be considering an option of establishing its workforce literacy collaborative with discretionary funds and authority.

The 1991 amendments authorize most of the 10 programs through FY 1995, as shown in table I. However, three programs are authorized through FY 1993: the ESEA Even Start Family Literacy Programs, the AEA education programs for commercial drivers, and literacy challenge grants at the ACTION Agency; and the family literacy broadcasting program is authorized only for FY 1992.

Comment. The new **authorization** level for FY 1992 represents an increase of more than $200 million from the FY 1991 **appropriation** level. Most of this difference is accounted for by the three largest programs, the AEA basic State grants ($59 million increase between authorization and appropriation), the Even Start Family Literacy Programs ($50 million increase), and AEA workplace literacy partnerships ($41 million increase). If enacted, the proposed FY 1992 **appropriation** would represent an increase of more than $60 million over the FY 1991 appropriation.

Prior to P.L. 102-73, the AEA programs were authorized through FY 1993, coincident with the authorization of programs under the ESEA. The extension will authorize most AEA programs through FY 1995, the same year through which the Carl D. Perkins Vocational and Applied Technology Education Act is authorized. The shorter authorization for the AEA education programs for commercial drivers is consistent with the implicit program objective of helping such individuals meet an April 1, 1992, deadline for upgrading their licenses. The Even Start Family Literacy Programs will expire in FY 1993, the same year

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[5]The Institute apparently has funds from FY 1991 to begin its activities, but prior to full operation, it needs a Board, appointed by the President with the advice and consent of the Senate (see discussion on page 6).

[6]For more current information, see U.S. Library of Congress. Congressional Research Service. *Department of Education Funding Issues: FY 1992*. Issue Brief No. IB91065, by Angela Evans. (Updated regularly.) Washington, 1991.

the remainder of the ESEA expires. FY 1993, the final year for literacy challenge grants, is also the same year that the authority for other programs at the ACTION Agency generally expire.

TABLE I. FY 1992 Authorizations and FY 1991 and FY 1992 Appropriations for the National Literacy Act of 1991 (in thousands of dollars)

Program, agency, year of final authorization	Authorization (FY 1992)	Appropriation (FY 1991)	Proposed appropriation (FY 1992)[a]
AEA National Institute for Literacy, 1995	$15,000	$4,879[b]	[c]
AEA State literacy resource centers, ED, 1995	25,000	0	$5,000
National workforce literacy assistance collaborative, DOL, 1995	5,000	0	0
AEA workplace literacy partnerships, ED, 1995	60,000	19,251	19,251
AEA basic State grants, ED, 1995	260,000	201,032	235,750
Even Start Family Literacy Programs, ED, 1993	100,000	49,770	70,000
Family literacy public broadcasting, 1992[d]	2,000	0	0
AEA education programs for commercial drivers, ED, 1993[e]	3,000	1,592	2,500
Literacy for incarcerated individuals, 1995[d]	10,000	0	5,000
Literacy challenge grants, ACTION agency, 1993	2,500	0	0
Total	$482,500	$276,524	$337,501

[a]Conference report on H.R. 2707 (H. Rept. 102-282) Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1992.

[b]The appropriation is for the partially comparable institute for literacy research and practice at ED (see discussion on page 6).

[c]An appropriation of $9 million is proposed for AEA national programs which includes an unspecified amount for the National Institute.

[d]P.L. 102-73 does not specify which agency is to administer this program.

[e]The FY 1991 appropriation was enacted by P.L. 101-517, contingent on the enactment of its authorization. An authorization nearly identical to that in P.L. 102-73 was also enacted under P.L. 102-26 (see discussion on page 14).

NOTE: Table prepared by the Congressional Research Service.

LITERACY: PLANNING, RESEARCH, AND COORDINATION

Title I of P.L. 102-73 amends the Department of Education Organization Act, P.L. 96-88 (enacted October 17, 1979) to declare that the Assistant Secretary for Vocational and Adult Education shall have the responsibility to coordinate all literacy programs and policy initiatives within ED and assist the coordination of such activities of other Federal departments and agencies (section 101).[7] In addition, the amendments establish a National Institute for Literacy and grants to establish a network of State or regional literacy resource centers.

National Institute for Literacy

The AEA is amended to establish a National Institute for Literacy (section 102; section 384 of the AEA). The purpose of the Institute is to improve and expand the system for delivery of literacy services. The Institute is authorized to: assist other Federal agencies to improve literacy services; conduct basic and applied research; assist Federal, State, and local agencies to improve their literacy policies; provide training and technical assistance to literacy programs throughout the Nation; collect and disseminate information; review and make recommendations with regard to reporting requirements and performance measures; and provide a toll-free telephone line for providers and volunteers. The Institute may award fellowships for Literacy Leader Fellows for individuals engaged in activities to advance adult education and literacy. The Secretary of Education may include in the Institute any ED research and development center, institute, or clearinghouse whose purpose is related to the purpose of the Institute. The Institute is to make annual reports to the Congress during its first 2 years, and biennial reports thereafter.

An interagency agreement provides the basis for the administration of the Institute. This agreement is to be developed by an Interagency Group that is to consist of the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and any other agency heads selected by the President. The Institute shall have offices separate from any agency or department involved in its operations. The Director and staff of the Institute are exempted from specified civil service laws with respect to competitive appointments and rates of pay.[8] The Institute has authority to make contracts, grants, and cooperative agreements. With the advice and consent of the Senate, the President must appoint a 10-member National Institute Board; the Board is to advise and make recommendations to the Interagency Group concerning

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[7]Unless otherwise indicated, section numbers refer to P.L. 102-73, the National Literacy Act of 1991.

[8]The Office of Educational Research and Improvement at ED is provided similar types of exemptions with respect to the employment of scientific and professional employees under section 405(d) of the General Education Provisions Act. Such provisions sometimes are considered necessary to attract qualified research staff.

the goals of the Institute and any programs designed to implement those goals. The Board must also make recommendations concerning the appointment of the Director and staff of the Institute.

There are authorized to be appropriated for the National Institute for Literacy $15 million for each of fiscal years 1992 through 1995. Any additional amounts appropriated for related purposes to any participating department are authorized to be transferred to the new Institute. An FY 1991 appropriation of $5 million was provided to establish a partially comparable Institute for Literacy Research and Practice, an institute administered by ED instead of by an interagency group, and operated under discretionary authority instead of under statutory provisions.

Comment. Under the AEA, State grants and national program activities have been authorized for many years. Unlike the State grant program, national activities were not funded until FY 1988, when an appropriation of $1.9 million was provided. Similar amounts were appropriated for fiscal years 1989 and 1990. For FY 1991, the appropriation increased to $7.8 million for AEA national programs, including $4.9 million for the initial year of the Institute for Literacy Research and Practice, to be established at ED under discretionary authority. The Institute for Literacy Research and Practice, however, was not fully operational when it became clear that the National Institute for Literacy would be enacted. Consequently, the FY 1991 appropriation apparently remains available for the new Institute. Under advance funding provisions, the FY 1991 funds can be obligated through September 30, 1992.

The new Institute established under P.L. 102-73 differs from the ED Institute initiated in 1991 in two major respects: (1) the new Institute is an interagency entity; and (2) it has a statutory basis. The new, interagency Institute is intended to supersede the ED Institute, according to the report of the House Committee on Education and Labor (H. Rept. 102-23, p. 2-3). The proposed activities and objectives of the ED Institute, however, are similar to those of the interagency Institute, including research and development, identification of effective practices, technical assistance, and the provision of leadership and coordination of Federal and State adult literacy programs. The House report also indicates that the new Institute should coordinate its work with the National Center on Adult Literacy, an education research and development center at the University of Pennsylvania, which is supported by funds provided by the ED Office of Educational Research and Improvement.

State Literacy Resource Centers

The AEA is amended to authorize the Secretary of Education to award grants to establish a network of State adult literacy resource centers (section 103; section 356 of the AEA). The purpose of these centers is to stimulate the coordination of literacy services, enhance the provision of State and local literacy services, and serve as a link between those who provide literacy services and the National Institute for Literacy. Under the administration of the "chief executive officer" in each State (the Governor), funds may be used for activities such as

promoting state-of-the-art teaching methods, encouraging government and industry partnerships, fostering innovation and experimentation in the delivery of service, and providing training and technical assistance. Grants to States are proportional to AEA basic State grants; funds within States are used to pay the Federal share for the operation of centers, to be selected competitively by each State. The Federal share may not exceed: 80 percent during the first 2 years in which a State receives funds for a center, 70 percent during the third and fourth years, and 60 percent thereafter. Provision is made for a group of States to enter into an interstate agreement to operate regional literacy resource centers. For regional centers, adjustments are made to the State grant amounts and Federal share requirements.

There are authorized to be appropriated for the literacy resource centers $25 million for each of fiscal years 1992 and 1993, and such sums as may be necessary for fiscal years 1994 and 1995.

Comment. Adult literacy services are often provided by many different types of organizations within a given State. The intent of the State literacy resource centers is to promote greater efficiency at the State and local level through the coordination of local services. In addition, the centers will serve to link local efforts with the National Institute for Literacy. The State educational agency (SEA) administers other AEA programs within each State; the literacy resource centers, however, will be administered by the Governor. The program authorizes competitive contracts for which the SEA may compete.

WORKFORCE LITERACY

Title II of P.L. 102-73 authorizes several provisions related to workforce literacy concerns. These include the establishment of a program at DOL to improve the basic skills of those who are unemployed or "marginally employed" (not defined in the legislation), and an AEA grant program at ED to develop national workforce literacy strategies.

National Workforce Literacy Assistance Collaborative

A National Workforce Literacy Assistance Collaborative is established at DOL to improve the basic skills of individuals who are marginally employed or unemployed with low basic skills (section 201). The Collaborative is to provide technical assistance to small and medium sized businesses, business associations, and labor organizations with regard to the literacy needs of the workforce. The Collaborative must monitor the development of training programs, disseminate information on research findings and exemplary practices, assist in the assessment of workers and the evaluation of training programs, promote cooperation and coordination among State and local agencies and the private sector, conduct small business workforce literacy meetings, establish cooperative arrangements with the National Institute for Literacy, and produce written and video materials to support technical assistance and dissemination activities related to workplace literacy assistance.

There are authorized to be appropriated for the Collaborative $5 million for each of fiscal years 1992 through 1995.

Comment. The Collaborative program specifically authorizes Federal literacy activities under P.L. 102-73 for the DOL to administer. The provision authorizes a large variety of workplace literacy and basic skills activities, particularly as they relate to the literacy concerns of small and medium sized businesses. Since there is no specific authority for the DOL to use available appropriations to make grants or contracts for the Collaborative, it is unclear how appropriations would be distributed. One possibility is that the DOL may have sufficient discretionary authority to administer this program anyway under either the provisions of the Collaborative or the general administrative provisions available to the Secretary of Labor. In addition, the DOL may initiate this program with available discretionary funds rather than wait for a specific appropriation.

Workplace Literacy Partnerships; National Strategies

P.L. 102-73 amends the AEA part C program for business, industry, labor, and education partnerships for workplace literacy (section 202; section 371 of the AEA). In awarding grants for exemplary demonstration partnerships, the Secretary of Education is required by the amendments to consult with the Secretary of Labor and the Administrator of the Small Business Administration. In awarding either demonstration partnership grants or State formula grants, the amendments require the Secretary of Education to: (a) give priority to partnerships that include small businesses; and (b) limit grants to a period not to exceed 3 years.[9] The amendments revise the State formula provisions, but not the demonstration program, to make grants proportional to basic State grants under the AEA. No more than 2 percent of the amount available for workplace literacy partnerships may be used for an independent evaluation of program effectiveness in improving the literacy, basic skills, and productivity of workers.

At an annual appropriation of $25 million or more for workplace literacy partnerships, the 1991 amendments authorize the Secretary of Education to reserve no more than $5 million for a new discretionary grant program for workforce literacy strategies (section 371(c) of the AEA). No such program is authorized if the appropriation for workplace literacy partnerships is less than $25 million. The new program is to pay the Federal share of large-scale projects for the design and implementation of national workforce literacy strategies. The strategies are to assist unions and businesses to provide literacy and basic skills programs to workers. Eligible recipients are partnerships between (1) business, industry, labor organizations, or private industry councils and (2) SEAs,

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[9]This provision probably should have been limited to the demonstration partnership grants, and should not have applied to the State formula grants. Under the regulations proposed by ED on Oct. 28, 1991, only the demonstration program must give priority to partnerships that include small businesses; the 3-year limitation on grants appears to be omitted from the new regulations.

institutions of higher education, or schools (including employment and training agencies and community-based organizations). The Federal share is 70 percent of the total cost of each project. Of the grants awarded, not less than five must each be at least $500,000 in amount.

There are authorized to be appropriated for the entire program of workplace literacy partnerships such sums as may be necessary for FY 1991, $60 million for FY 1992, and such sums as may be necessary for each of fiscal years 1993 through 1995. The FY 1991 appropriation was $19.3 million.

Comment. The amendment does not change the major objectives of the existing AEA program for workplace literacy **partnerships**. The partnerships program authorizes demonstration grants at an appropriation level of less than $50 million; at $50 million or above, State formula grants are authorized. The partnerships program has been funded for each of the past 4 years, but the annual appropriation has never exceeded $20 million. The **new** national workforce literacy strategies program is added to the partnerships program, but would be implemented only when the annual appropriation for the partnerships program reaches $25 million. Prior to the amendments, the partnerships program was authorized for such sums as may be necessary for fiscal years 1990 through 1992.

INVESTMENT IN LITERACY

Title III of P.L. 102-73 makes a series of amendments to two of the major Federal programs addressing problems of illiteracy--the AEA and the Even Start Family Literacy Programs (formerly the Even Start Program). A one-time authorization is also provided for a family literacy public broadcasting program.

Adult Education Act Programs

P.L. 102-73 makes a series of amendments to the AEA, and extends its authorization of appropriations through FY 1995 (section 301). The amendments:

- revise the list of entities that are eligible to participate in the basic State grant program to include local educational agencies (LEAs), correctional education agencies and community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions with the ability to provide literacy services; under prior law, LEAs and public or private nonprofit agencies, organizations and institutions were the only eligible entities (section 322 of the AEA);

- amend the requirements for the SEA to provide assurances that all eligible entities will be given "direct and equitable access" (not defined in the legislation) to AEA funds available within the State (section 322 of the AEA);

- require SEAs, in the distribution of funds, to give preference to eligible entities with high proportions of adults who are without a high school diploma or the equivalent (section 322 of the AEA);

- require SEAs, in the distribution of funds, to make competitive, 2-year grants to "public housing authorities" (not defined in the legislation) for literacy programs; such grants are to be known as Gateway Grants, and must be evaluated by the Secretary of Education at least every 2 years (section 322 of the AEA);

- require each SEA to develop and implement, within 2 years of enactment of the 1991 amendments, indicators of program quality for use in the evaluation of program effectiveness under the basic State grant program (section 331 of the AEA);

- amend State advisory council membership and procedures, and revise council functions to include responsibilities related to literacy and the measurement of progress toward meeting program objectives (section 332 of the AEA);

- change the contents of the State plan to include literacy objectives and measurable goals related to literacy and long-term learning by adults (section 342 of the AEA);

- modify State evaluation requirements so that 80 percent of the local grant recipients will be evaluated after 4 years; under prior law, a representative sample of one third of the recipients was required to be evaluated every 4 years (section 352 of the AEA);

- revise the requirements for demonstration projects under basic State grants, so that (a) at least 15 percent (instead of a 10 percent minimum) of each grant is reserved for such projects, and (b) two thirds of this amount is reserved for expanded training activities for teachers and adult educators (section 353 of the AEA); and

- require the Secretary, within 1 year of enactment of the 1991 amendments, to develop indicators of program quality that may be used as models by which to judge the success of State and local programs (section 361 of the AEA).

The 1991 amendments add a related provision to the State block grant program of chapter 2, title I of the ESEA for local targeted assistance programs (section 302; section 1531 of ESEA).[10] Under the amendments, targeted assistance may include training programs to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading problems which place them at risk for adult illiteracy.

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[10]At least 80 percent of the chapter 2 education block grant to each State must be used at the local level for targeted assistance activities.

There are authorized to be appropriated for the AEA (other than workplace literacy and English literacy grant programs[11]) such sums as may be necessary for FY 1991, $260 million for FY 1992, and such sums as may be necessary for fiscal years 1993 through 1995. The FY 1991 appropriation was $201.0 million.

Comment. The eligibility provisions for local grant recipients, including public housing authorities, are amended to strengthen the AEA objective of making adult education and literacy services available at a variety of local institutions besides the LEA classroom. The amendments do not actually appear to have either added or eliminated the eligibility of any group, but they should assure a wider distribution of funds at the local level and prevent States from selecting one type of local recipient to the exclusion of all other types. The AEA requirements for evaluation at the State and local levels appear to be strengthened. The requirements to include literacy-related activities for the State advisory council bring those provisions more in line with changes in the purpose of the AEA made during its last reauthorization under the provisions of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, P.L. 100-297. However, the State advisory council remains as an optional activity under the AEA.

Prior to the 1991 amendments, these AEA programs were authorized for such sums as may be necessary for fiscal years 1990 through 1993. The additional 2 years of authorization, through FY 1995, removes the AEA from the ESEA cycle for reauthorization and places it in the same reauthorization cycle as the Carl D. Perkins Vocational and Applied Technology Education Act. Since the ESEA authorizes relatively more programs, and at a considerably greater appropriation level, than the Perkins Act, the AEA may receive relatively more legislative attention during reauthorization under its new schedule. No additional appropriations are authorized for the ESEA chapter 2 amendment to the State block grant program; in FY 1991, there were appropriated $448.9 million for this program.

Even Start Family Literacy Programs

P.L. 102-73 makes a series of revisions to the Even Start Program and renames it as the Even Start Family Literacy Programs under part B, chapter 1, title I of the ESEA (section 303; sections 1051 through 1059 of the ESEA). The amendments:

- revise the eligibility for discretionary grants to include: (1) collaborations between LEAs and community-based organizations, public agencies, institutions of higher education, or other nonprofit institutions; and (2) collaborations between community-based organizations or other nonprofit organizations and LEAs (only LEAs and consortia of LEAs were eligible under prior law);

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[11]Other AEA programs that are separately authorized as a result of P.L. 102-73 include the National Institute for Literacy, State literacy resource centers, and the education programs for commercial drivers.

- require that no State shall make a grant award of less than $75,000 per grant under the State formula grant program;

- allow up to 5 percent of each State grant to be used for administration and technical assistance;

- allow the Secretary of Education to reserve up to 2 percent of the total appropriation for evaluation activities and technical assistance;

- establish eligibility for grants for Outlying Areas (Guam, American Samoa, the Virgin Islands, Palau, and the Northern Mariana Islands) and Indian tribes and tribal organizations;

- clarify that the nonfederal matching requirement may be met by either cash or in kind contributions, and provide a waiver procedure for the matching requirement;

- revise the participant eligibility requirements to include children from birth to age 7 (instead of aged 1 to 7) and extend family eligibility as long as any single member of the family is eligible;

- give priority to eligible recipients that demonstrate that the area to be served has a high percentage or large number of children and adults in need of services; and

- require a "representative distribution" of funds among States and between urban and rural areas within States, instead of an "equitable distribution" that was required under prior law (neither type of distribution is defined in the AEA).

There are authorized to be appropriated for the Even Start Family Literacy Programs $100 million for FY 1992, and such sums as may be necessary for FY 1993. The FY 1991 appropriation for the Even Start Program was $49.8 million.

Comment. These amendments continue the principal objective of the Even Start Program--to fund education programs for disadvantaged children in conjunction with the education of their parents who must be eligible for services under the AEA. The purpose of this combination of services is to reduce or eliminate the transmission of illiteracy from generation to generation. The 2-year authorization through FY 1993 retains the same expiration date for this program as other ESEA programs. Prior to the amendments, the Even Start Program was authorized for such sums as may be necessary for fiscal years 1990 through 1993.

Family Literacy Public Broadcasting Program

P.L. 102-73 authorizes the Secretary[12] to enter into a contract with the Corporation for Public Broadcasting (CPB) for the production of family literacy programming (section 304). Production and distribution of related audio and video instructional materials by the CPB are also authorized. The CPB must work with local public broadcasting stations to avoid duplication of effort. One year following distribution, the CPB must report to Congress on the dissemination and use of such materials.

There are authorized to be appropriated for the family literacy public broadcasting program $2 million for FY 1992. Of this amount, $100,000 must be reserved for reproducing and distributing media materials.

Comment. The objective of this program is to develop and distribute additional public broadcasting materials related to family literacy problems. The authorization is for a single year only.

EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS

Title IV of P.L. 102-73 amends the AEA to authorize education programs for commercial drivers (section 401; section 373 of the AEA). The Secretary of Education is authorized to make discretionary grants to pay for the Federal share of adult education programs which increase the literacy skills needed for the new knowledge test requirements of the Commercial Motor Vehicle Safety Act of 1986. Under the 1986 Act, specified commercial drivers must meet a new set of licensing standards to be phased in by April 1, 1992. Eligible grant recipients include: private employers in partnership with educational entities (LEAs, SEAs, colleges, universities, or community colleges); educational entities by themselves; apprenticeship training programs; and labor organizations. The Federal share is 50 percent. Drivers eligible for services are restricted to those licensed prior to the requirements of the 1986 Safety Act.

There are authorized to be appropriated for education programs for commercial drivers $3 million for each of fiscal years 1991 through 1993. The FY 1991 appropriation was $2.0 million.

Comment. Unlike most programs in P.L. 102-73, the authorization for the commercial drivers program begins in FY 1991. Further, FY 1991 funds were enacted, contingent on the enactment of authorizing legislation.[13] In an attempt to avoid duplicate authorizations, section 401(b) of P.L. 102-73 prohibits the provision from this Act from taking effect if the "Higher Education Amendments of 1991" are enacted first. A law with a similar title was enacted

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[12]The P.L. 102-73 provision does not specify which Secretary, nor which department, is authorized to administer this program.

[13]P.L. 101-517, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1991.

first; on April 9, 1991, P.L. 102-26, the "Higher Education **Technical** Amendments of 1991" (emphasis added), was enacted. Section 7 of P.L. 102-26 has no significant differences with section 401 of P.L. 102-73. Because P.L. 102-26 has a slightly different title than the title referred to in the prohibition in P.L. 102-73, it is not clear at this time which of these Acts takes precedence; either Act appears to authorize the same program, for the same amount and the same number of years. Under either Act, the commercial drivers education program expires in FY 1993, making it the only AEA program that now expires prior to FY 1995. However, with the April 1, 1992, deadline for new commercial drivers' licenses, there would appear to be no need for additional years of program authority.

BOOKS FOR FAMILIES

Title V of P.L. 102-73 amends the inexpensive book distribution program under chapter 2 of title I of the ESEA to require the contractor (Reading is Fundamental) to follow specific minimum priorities in the selection of additional local programs that serve children with special needs, such as children from low-income families or children with disabilities (section 501; section 1563 of the ESEA). The contractor must make an annual report to the Secretary of Education on the additional programs thus provided. P.L. 102-73 also amends the library literacy program of title VI of the Library Services and Construction Act (LSCA) to require the Secretary to give priority to projects that serve the highest concentration of adults who are without a secondary education or its equivalent and projects that coordinate with literacy organizations and community based organizations that provide literacy services.

Comment. The purpose of the inexpensive book distribution program is to motivate children to learn to read, in part through the distribution of inexpensive books to such children; subcontractors operate programs at the community level, competitively selected by the contractor. The library literacy program authorizes discretionary grants, not to exceed $35,000, to libraries to operate literacy programs and services. No additional appropriations are authorized by either of these amendments. In FY 1991, there were appropriated $9.3 million for the inexpensive book distribution program and $8.2 million for the library literacy program.

LITERACY FOR INCARCERATED INDIVIDUALS

Title VI of P.L. 102-73 authorizes basic skills and literacy programs for incarcerated individuals. A series of discretionary grant programs are established, as well as a recognition program for exemplary activities.

Grants for State and Local Programs

Discretionary grants are authorized for programs to provide services to incarcerated individuals under section 601 of P.L. 102-73. However, this section has already been amended by section 313 of P.L. 102-103, which was enacted August 17, 1991. The P.L. 102-103 amendments place this program under the

Secretary[14] rather than the Attorney General, and authorize grants for life skills training programs for incarcerated individuals in addition to grants for functional literacy programs. Under the amended provisions, the Secretary is authorized to make discretionary grants to eligible recipients for: (a) establishing, improving, or expanding a demonstration or system-wide functional literacy program;[15] and (2) training programs designed to reduce recidivism through the provision of life skills necessary for entry back into society. Functional literacy programs must include each incarcerated person who is not functionally literate, unless that person is serving a life sentence, is terminally ill, or is under a sentence of death; parole is prohibited for any person who refuses to participate. Grants for life skills programs may not exceed 3 years; priority is given to programs that show the greatest potential for innovation, effectiveness, and replication in other programs for incarcerated persons. For either type of award, an eligible recipient can be a State correctional agency, a local correctional agency, a State correctional education agency, or a local correctional education agency.

There are authorized to be appropriated for literacy programs for incarcerated individuals $10 million for FY 1992, $15 million for FY 1993, $20 million for FY 1994, and $25 million for FY 1995. The authorization of appropriations was not changed by P.L. 102-103.

Comment. H.R. 751--the bill that became P.L. 102-73--as it initially passed the House, placed these provisions under the AEA, and therefore under the administration of the Secretary of Education. It would have required the establishment of a mandatory program within at least one major correctional facility in each State within 2 years of enactment. However, the final version, as amended by P.L. 102-103, is separate from the AEA, is no longer mandatory, and does not specify which Secretary is responsible for its administration. The provision of P.L. 102-103 to amend P.L. 102-73 was included in a package of amendments made on the Senate floor; no statement of intent was given for the change in jurisdiction from the Attorney General to the "Secretary." (For a legislative history of P.L. 102-103, see appendix A, page 23.)

The section 601 programs of P.L. 102-73, as amended, is separate and distinct from the AEA programs for corrections education and education for other institutionalized individuals. The AEA basic State grant program requires each State to reserve at least 10 percent of its grant to be used for corrections education and education for other institutionalized persons (section 332(b)(1) of

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[14]The P.L. 102-103 amendment does not specify which Secretary, nor which department, is authorized to administer this program. On Oct. 28, 1991, however, the Secretary of Education issued proposed rules for adult education programs within ED, which included, within ED, these two literacy programs for incarcerated individuals.

[15]**Functional literacy** is defined, for the purpose of section 601, to mean "at least an eighth grade equivalence or functional criterion score on a nationally recognized literacy assessment."

the AEA). The AEA authorizes these funds for activities such as academic programs, vocational training, library services, and supportive services.

Recognition of Exemplary Programs

P.L. 102-73 amends the blue ribbon schools program under chapter 2 of title I of the ESEA to include the recognition of exemplary correctional education programs (section 602; section 1566 of the ESEA). The amendment requires the Secretary of Education to make one or more annual awards for effective or innovative programs. Awards are based on nominations made by the Office of Correctional Education at ED, after consultation with experts in correctional and literacy education. These amendments are to be effective October 1, 1992.

Comment. These provisions amend the ESEA; the Secretary of Education is specified as the Secretary referred to under that Act (section 1471(20) of the ESEA). Therefore, unlike section 601 of P.L. 102-73 (as amended), there is no question concerning which Secretary is referred to under section 602. Prior to these amendments, the blue ribbon schools program authorized awards for schools or programs which have established standards of excellence and quality. Schools may include public or private elementary and secondary schools, Department of Interior schools for Indian children, and Department of Defense schools for dependents of overseas personnel. No additional appropriations are authorized by these amendments; in FY 1991, there were appropriated $0.9 million for the blue ribbon schools program.

LITERACY CHALLENGE GRANTS

Title VII of P.L. 102-73 amends part C of title I of the Domestic Volunteer Service Act of 1973 to establish literacy challenge grants (section 701). This program authorizes the Director of the ACTION Agency to award discretionary grants to public agencies and private organizations to pay the Federal share of the cost of establishing or operating community or employee literacy programs that use volunteers to provide services. The Federal share is 80 percent in the first year, 70 percent in the second year, and 60 percent in the third year of the award; in the case of a nonprofit or community based organization, the Federal share is 90 percent, 80 percent, and 70 percent for the first, second, and third years, respectively.

There are authorized to be appropriated for literacy challenge grants $2.5 million for FY 1992, and such sums as may be necessary for FY 1993. Appropriations for literacy challenge grants are made conditional on minimum funding levels for the Volunteers in Service to America (VISTA) program and the VISTA Literacy Corps. With regard to the VISTA program, the appropriation must be sufficient to meet the annual minimum volunteer service levels prescribed in law; for the VISTA Literacy Corps, funds must be sufficient to meet the volunteer service level of the preceding fiscal year. Both these conditions appear to have been met in recent years.

Comment. The challenge grant program places emphasis on the use of volunteers to provide literacy services in the local community. A significant portion of the services provided by both the VISTA program and the VISTA Literacy Corps are targeted on literacy programs.[16] Unlike these programs, however, the literacy challenge grant program places no specific priority on the recruitment of low-income individuals for volunteers, and no specific preference is given to providing services to low-income persons. Therefore, the challenge grant program appears to place more of an emphasis on the innovative uses of volunteers in comparison with the VISTA programs. The authorization through FY 1993 coincides with the authorization of other programs under the Domestic Volunteer Service Act of 1973.

TERRITORIES AND FREELY ASSOCIATED STATES

Title VIII of P.L. 102-73 amends various Federal education programs with regard to the eligibility of the "freely associated States" (the Republic of the Marshall Islands, the Federated States of Micronesia, and, potentially, Palau).[17] Specifically, students from the freely associated States are made eligible for Pell Grants, supplemental educational opportunity grants, special programs for students from disadvantaged backgrounds (TRIO programs), and work-study programs under the Higher Education Act of 1965. In addition, institutions of higher education located in such states are made eligible under the TRIO programs (section 801). P.L. 102-73 imparts eligibility to programs serving the freely associated states under the territorial teacher training assistance program (section 4502 of the ESEA).

Title VIII also amends the ESEA chapter 1, title I program for the education of disadvantaged children (section 802; section 1005 of the ESEA). It adds a new competitive grant provision to the allotment requirement for the Pacific territories of Guam, American Samoa, and the Northern Mariana Islands as well as the freely associated states; the Secretary must allot such grants according to the recommendation of the Pacific Regional Laboratory in Honolulu, which is to conduct the competition. The annual amount of funds to be reserved for these competitive grants is equal to the grants allotted for the Trust Territory of the Pacific Islands in FY 1989 under chapter 1 programs that were attributable to the Republic of the Marshall Islands and the Federated States of Micronesia.

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[16]For background information on programs authorized under the Domestic Volunteer Service Act of 1973, see U.S. Library of Congress. Congressional Research Service. *The ACTION Agency Volunteer Programs*. CRS Report for Congress No. 90-452 EPW, by Dale H. Robinson. Washington, 1990.

[17]The U.S. has negotiated Compacts of Free Association with the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. However, the compact has not yet been agreed to by the voters of Palau; a majority of two-thirds is required. In its current status, Palau generally remains eligible for Federal aid programs to the extent that all of the Trust Territories of the Pacific Islands were eligible in the past.

In addition, title VIII includes only Palau within the definition for "State" for AEA programs, but specifies an allotment under the AEA basic State grant formula of $100,000 each for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau (section 802). Under former AEA provisions, Palau received grants only as a part of the Trust Territory of the Pacific Islands. Title VIII makes each of the freely associated states eligible for programs authorized by the Star Schools Program Assistance Act (title IX of the Education for Economic Security Act, P.L. 98-377) and for the part B State grant program under the Individuals with Disabilities Education Act. Palau is specifically made eligible for grants under the Library Services and Construction Act; under former law, Palau received grants only as a part of the Trust Territory of the Pacific Islands.

Comment. When these areas constituted the Trust Territory of the Pacific Islands--prior to becoming freely associated states--they were generally eligible for many Federal education programs. The Marshall Islands and the Federated States of Micronesia became ineligible for most Federal education grants when they ratified compacts of free association. These amendments restore, at least in part, eligibility for the programs, as indicated. No additional appropriations are authorized by these amendments. Grants for the Marshall Islands and the Federated States of Micronesia generally would be obtained from small reductions in the allotments for other eligible recipients under each program. Last year, the Congress, through the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (P.L. 101-392, enacted Sept. 25, 1990), restored partial eligibility to the Marshall Islands and the Federated States of Micronesia for Federal vocational education grants.

APPENDIX A: LEGISLATIVE HISTORY

P.L. 102-73, the National Literacy Act of 1991, was signed into law by the President on July 25, 1991. Similar legislation was passed three times by the House (H.R. 5115, S. 695, and H.R. 5932) and once by the Senate (S. 1310) during the 101st Congress. The 1991 legislation began in the House as H.R. 751. There was no separate Senate bill, although nearly identical provisions were incorporated as title III in S. 2, the Strengthening Education for American Families Act. This appendix describes the legislative actions that occurred prior to the final enactment of P.L. 102-73.

Bills in the 101st Congress

Several similar literacy bills were passed during the 101st Congress. Each bill was comprehensive, as summarized below, but none was enacted into law. Each bill represented an attempt to authorize programs capable of reaching the national education goal for literacy, that is, to assist State and local programs to provide literacy skills to all who need them by the year 2000. Each bill would have established a Federal interagency group, including relevant cabinet members, to promote greater coordination of various Federal literacy programs. Each would have established a national center for the conduct of literacy research, development, and dissemination of information. Also included in each bill were provisions to establish resource centers to encourage the coordination of literacy programs at the State and local level, amendments to the AEA to increase the literacy component of adult education programs and teacher training projects, additional provisions for workplace literacy programs, amendments to the Even Start program, and an educational program to increase the literacy skills of commercial drivers necessary under the Commercial Motor Vehicle Safety Act of 1986. The bills are as follows.

In the House, Representative Thomas Sawyer introduced **H.R. 3123**, the Adult Literacy and Employability Act of 1989, on August 3, 1989. Provisions of this bill were included under title V, the Literacy for All Americans Act of 1990, in **H.R. 5115**, the Equity and Excellence in Education Act of 1990. H.R. 5115 was reported (H. Rept. 101-570) by the House Committee on Education and Labor and passed the House, amended, July 20, 1990, by a vote of 350 to 25. Subsequently, the text of H.R. 5115 was incorporated in **S. 695**; the House passed S. 695, as amended, on July 27, 1990, by a voice vote. The House and Senate versions of S. 695 were never considered by a formal conference committee.

In the Senate, Senator Paul Simon introduced **S. 1310**, the National Literacy Act of 1989, on July 13, 1989. The Senate Committee on Labor and Human Resources reported the measure (S. Rept. 101-196), which passed the Senate, amended, February 6, 1990, by a vote of 99 to 0. The House did not consider S. 1310.

Finally, at the close of the 101st Congress, Representative Augustus Hawkins introduced **H.R. 5932**, the Educational Equity and Excellence Act of

1990, within which title III contained the National Literacy Act of 1990. This bill represents a compromise between the provisions of S. 695, as passed by the House, and S. 1310. On October 26, 1990, H.R. 5932 was introduced, referred to the House Committee on Education and Labor, discharged, and passed the House, without amendment, by voice vote. The Senate did not consider H.R. 5932.

House Consideration, 102d Congress

Representative Thomas Sawyer introduced H.R. 751 on January 30, 1991; the measure was referred to the House Committee on Education and Labor, and subsequently referred to more than one subcommittee. H.R. 751 contained, with few changes, the literacy provisions of H.R. 5932 from the 101st Congress. The House Subcommittee on Elementary, Secondary, and Vocational Education held an oversight hearing in Flint, Michigan, on February 11, 1991, and marked up H.R. 751 on March 7, 1991. The full committee considered the bill on March 12, and reported the bill as amended (H. Rept. 101-23) on March 18, 1991, by a vote of 34 to 1. H.R. 751 was called up under suspension of the rules, and passed the House, as amended, on March 19, 1991, by voice vote.

Senate Consideration, 102d Congress

The Senate placed H.R. 751 on the legislative calendar, where it was called up under unanimous consent on June 26, 1991. The bill was not referred for committee consideration, in part because of the consideration given to similar provisions during the 101st Congress, and in part because nearly identical provisions were reported 2 months earlier by the Senate Committee on Labor and Human Resources as title III of S. 2, Strengthening Education for American Families Act (S. Rept. 102-43). Senator Paul Simon attested that H.R. 751 represented, with few changes, the House-Senate compromise from the preceding Congress.[18] One amendment was proposed by Senator Wendell Ford for Senator Claiborne Pell. This amendment: (1) deleted a requirement of mandatory literacy programs for incarcerated persons under the basic State grant program of the AEA; and (2) established eligibility for the Republic of the Marshall Islands and the Federated States of Micronesia for various Federal education programs. The Senate accepted the amendment and passed H.R. 751, as amended, on June 26, 1991, by voice vote.

Conference Action

On July 11, 1991, the House took up the bill and amended the Senate amendments to H.R. 751. Two such amendments were made: (1) each chief State correctional officer was required to establish either a demonstration program or a systemwide literacy program in the State's correctional system through a grant program administered by the U.S. Attorney General, authorized at $10 million for FY 1992 (but this provision has been amended by P.L. 102-103, as described below); and (2) the authorization of appropriations for the

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[18] *Congressional Record*, Daily Ed., June 26, 1991. p. S8712.

Head Start Family Literacy Programs was increased to $100 million in FY 1992 (instead of $60 million). The House then passed H.R. 751, as amended, by voice vote.

On July 15, 1991, the Senate agreed to the House amendments to the Senate amendments, by voice vote, clearing the measure for the President.

H.R. 751 was signed into law by the President July 25, 1991, as P.L. 102-73.

Amendment

On August 17, 1991, P.L. 102-103 was enacted; among other provisions, it amended title VI of the National Literacy Act of 1991. Section 313 of P.L. 102-103 revised the discretionary grant program for literacy for incarcerated individuals by removing the program from the jurisdiction of the U.S. Attorney General and adding a life skills training program to the functional literacy training program already authorized (see discussion on page 15). The bill that became P.L. 102-103, H.R. 2313, originally amended only the School Dropout Demonstration Assistance Act of 1988 and related programs (H. Rept. 102-77), as it was passed by the House on June 3, 1991. The amendment to P.L. 102-73 was included in the Senate floor amendment which passed the Senate July 30, 1991. The Senate amendment was not formally considered at the committee level, and no comment was made on the Senate floor regarding the intent of the amendment to P.L. 102-73. The House agreed to H.R. 2313, as amended by the Senate, on August 1, 1991.

APPENDIX B: SELECTED REFERENCES

The following are selected references related to the enactment of the National Literacy Act of 1991, P.L. 102-73.

Chisman, Forrest P. *Jump start: the Federal role in adult literacy*. Southport, Conn. Southport Institute for Policy Analysis, 1989. 38 p.

U.S. Congress. House. Committee on Education and Labor. *Hearing on H.R. 3123, the Adult Literacy and Employability Act*. Hearings, 101st Congress, 1st session. Washington, GPO, 1990
Hearings held Nov. 2, 1989.
"Serial no. 101-63"

U.S. Congress. Senate. Committee on Labor and Human Resources. *Eliminating illiteracy*. Hearings, 101st Congress, 1st session. Washington, GPO, 1989.
Hearings held May 4, 18, and July 10, 1989.
"Senate hearing no. 101-260"

U.S. Department of Education. *Report to the Congress on defining literacy and the national adult literacy survey*. Washington, 1990. 22 p.

U.S. Library of Congress. Congressional Research Service. *Adult illiteracy: selected references*, by Peter Giordano. [Washington] 1989. 23 p. (CRS Report No. 89-249 L)

----- *Adult literacy issues, programs, and options* [by] Paul M. Irwin. [Washington] 1985. (Issue brief 85167)
Archived July 26, 1991.

----- *Elementary and secondary education: a summary of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297*, by the Education Section. [Washington] 1988. 65 p. (CRS Report No. 88-458 EPW)

----- *National Education Goals: Federal Policy Issues*, [by] Wayne Riddle, et al. [Washington] 1991. (Issue Brief 91077)
Regularly updated.

----- *U.S. Department of Education: major program trends, fiscal years 1980-1991*, by Paul M. Irwin, et al. [Washington] 1991. 117 p. (CRS Report No. 91-10 EPW)